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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,926	08/21/2001	David Grawrock	SYMA-01045US0MCF/GGG	8871

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EXAMINER
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CALLAHAN, PAUL E

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/934,926

**Applicant(s)**

GRAWROCK ET AL.

**Examiner**

Paul Callahan

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 33-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 33-49 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-3 and 33-49 in the reply filed on 4-19-2005 is acknowledged.
2. Claims 1-3 and 33-49 are pending in this application and have been examined.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim contains the passage: "[T]he confidential information is kept essentially and consistently in encrypted format." It is unclear what is meant by the use of "essentially" in this context.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Orita, 5163147.

As for claim 1, Orita teaches a machine system for protecting access constrained information from unauthorized access by way of unauthorized users or unauthorized programs, said machine system comprising (abstract, col. 1 lines 5-10):

(a) data-providing means for providing data of an identified one of two or more digital data files, where each of said files is identifiable by a file name and where each of said files is retrievable from either a local storage or from an external storage (fig. 1 item 14);

(b) an interceptable access mechanism through which data of an identified file of the data-providing means is accessed by identifiable, access-requesting programs and/or access-requesting users (abstract, col. 4 lines 46-68);

(c) access-control means coupled to intercept data access attempts made through said interceptable access mechanism, wherein the access-control means includes deny/approve means for testing the intercepted data access attempts and responsively denying or approving intelligible or other data access to the data of an identified subset of said files based on one or more of the identity of an access-attempting program, the time of the access attempt, the machine or location from which the access request originates and a user associated with the access request, and wherein the access-control means includes permissions control means for responding to permission

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rules associated with respective ones of identifiable subsets of said files (col. 4 lines 46-67, fig. 5); and

(d) localizing means for transparently and temporarily localizing external files and respective external permission rules of such external files for use by said access-control means (abstract, col. 1 lines 5-10).

As for claim 2, Orita teaches a machine-implemented method for protecting access constrained information from unauthorized access by way of unauthorized users or unauthorized programs, said machine-implemented method comprising (abstract, col. 1 lines 5-10):

(a) in response to a navigation-based request, providing data of an identified one of two or more digital data files, where each of said files is identified in the navigation-based request by a file name, file handle, or equivalent and where each of said files is retrievable from either a local storage or from an external storage (fig. 5, fig. 1 item 14, col. 4 lines 46-68);

(b) intercepting data access attempts made through an interceptable access mechanism, wherein (col. 4 lines 46-68):

(b.1) the interceptable access mechanism is one through which data of an identified file of the data-providing means is accessed by identifiable, access-requesting programs and/or access requesting users (col. 4 lines 46-67, fig. 5); ;

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(b.2) the interceptable access mechanism includes access control means includes deny/approve means for testing the intercepted data access attempts and responsively denying or approving intelligible or other data access to the data of an identified subset of said files based on one or more of the identity of an access attempting program, the time of the access attempt, the machine or location from which the access request originates and a user associated with the access request (col. 4 lines 46-67, fig. 5); and

(b.3) the access-control means includes permissions control means for responding to permission rules associated with respective ones of identifiable subsets of said files; and said method further comprises (col. 4 lines 46-67, fig. 5); and

(c) in response to those of said navigation-based requests which request external files, transparently and temporarily localizing the external files and the respective external permission rules of such external files for use by said access-control means (abstract, col. 1 lines 5-10).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Orita as applied to claim 2 above, and Rager 5,412,721.

As for claim 3, Orita teaches the machine-implemented protecting method of Claim 2, but not wherein: confidential information is kept essentially and consistently in encrypted format when the confidential information either resides within a remote file server or within easily removable media or when such confidential information is in transit along an untrusted (not-secure) communications link; said confidential information is exposed in plaintext form on an as needed and as-authorized basis, essentially only when said confidential information resides within a local client that is conveniently viewable by one or more authorized users; said plaintext exposure is allowed to occur only after an authorized user validates his or her authorization to access the information at the local client. However Rager et al. does teach these features (abstract, Fig. 3B item 316) Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of Orita. It would have been desirable to do so as described in the abstract of Rager so as to prevent access to the data in the event of power to the memory device being shut off.

***Allowable Subject Matter***

8. Claims 33-49 are allowed.

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***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

6-21-05

*Paul Callahan*